

REMARKS

The Applicants wish to express appreciation to Examiner Miller for her courtesy during the telephone interview conducted on May 19, 2004. During the interview, the previous and new claims of the present invention, support in the specification for certain limitations in the previous and new claims, the previously filed IDS, and a series of declarations from the Applicants' previous counsel and the Applicant related to patentability were discussed. The Applicants thank the Examiner for her candor, and again encourage the Examiner to call the undersigned attorney at (213) 892-5752 to resolve any issues that prevent the application from being in condition for allowance.

With regard to the IDS previously filed on January 24, 2004, as discussed during the interview, the submitted Form 1449 did not list a bibliographic reference for the five page reference entitled "The 'ACTION' Begins," <http://www.geocities.com/Hollywood/Screen/7073/page2.html>, author unknown, which followed the reference "Making a Killing with Cardboard" (which was properly listed in the submitted Form 1449). Nevertheless, because the Applicants understand that the Examiner did consider "The 'ACTION' Begins," it is understood that this bibliographic omission is harmless.

With regard to the declaration submitted by Applicants' previous counsel on February 28, 2004 and the subsequent declarations submitted by Applicants' previous counsel and one of the inventors and applicants, Mr. John Stanley David Stanier on April 20, 2004, as discussed during the interview, the declarations taken together demonstrate a misunderstanding that occurred during a telephone call between Applicants' previous counsel and Mr. Stanier, and that there was in fact no use of a basic concept of the invention some 10 years ago.

Claims 21-48 are pending in the application. Claims 1-20 have been cancelled. Claims 21-40 were rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-11 of U.S. Patent No. 6,672,933. A terminal disclaimer is being filed to overcome the obviousness-type double patenting rejection of claims 21-40. Claims 41-48 have been added, without new matter. Reconsideration and reexamination of the application in view of the amendments and the following remarks is respectfully requested.

With regard to claims 41 and 44, as discussed during the interview, support for the limitation "visually recorded . . . in a manner that does not capture a clear image of the . . . inflatable life-sized humanoid figures " is found in several places in the application, including page 8 lines 17-20 and page 15 lines 1-3 of the specification.

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to pass this application to issue.

If, for any reason, the Examiner finds the application other than in condition for allowance, Applicant requests that the Examiner contact the undersigned attorney at the Los Angeles telephone number (213) 892-5752 to discuss any steps necessary to place the application in condition for allowance.

In the unlikely event that the transmittal letter is separated from this document and the Patent Office determines that an extension and/or other relief is required, Applicant petitions for any required relief including extensions of time and authorizes the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to **Deposit Account No. 03-1952** referencing docket no. 559852000102.

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Respectfully submitted,

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